

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ST. JOSEPH PARISH ST. JOHNS,

Plaintiff,

v.

DANA NESSEL, et al.,

Defendants.

Case No. 1:22-cv-1154

HON. JANE M. BECKERING

**ORDER**

This matter is before the Court on Plaintiff's Motion for Leave to Amend Complaint (ECF No. 31), Defendants' Motion to Dismiss Plaintiff's Amended Complaint (ECF No. 33), and Plaintiff's Motion to Hold Defendants' Motion to Dismiss in Abeyance (ECF No. 37). The Court having reviewed the motions and the proposed second amended complaint (ECF No. 31-1):

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave to Amend Complaint (ECF No. 31) is GRANTED.

**IT IS FURTHER ORDERED** that the Clerk of Court shall accept for filing Plaintiff's proposed second amended complaint (ECF No. 31-1) with Exhibits A (ECF No. 31-2) through I (ECF No. 31-10).

**IT IS FURTHER ORDERED** that Defendants shall, not later than April 28, 2023, file an answer or other responsive pleading to the Second Amended Complaint.

**IT IS FURTHER ORDERED** that because the Second Amended Complaint supersedes the Amended Complaint, *see In re Refrigerant Compressors Antitrust Litig.*, 731 F.3d 586, 589 (6th Cir. 2013), Defendants' Motion to Dismiss Plaintiff's Amended Complaint (ECF No. 33) is DISMISSED as moot.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Hold Defendants' Motion to Dismiss in Abeyance (ECF No. 37) is also DISMISSED as moot.

Dated: April 7, 2023

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge